

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4 and 2013 Iowa Acts, Senate File 446, section 12, the Department of Human Services proposes to amend Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Iowa Administrative Code.

Pursuant to 2013 Iowa Acts, Senate File 446, these proposed amendments are being implemented as part of the Department’s cost-savings and cost containment strategy. These changes will transition the provision of service provided by individual providers of personal care under the consumer-directed attendant care (CDAC) option to agency-provided personal care services and will retain the consumer choice option for those individuals able and desiring to self-direct services.

The Department intends to eliminate individual CDAC providers from the list of enrolled Medicaid providers effective July 1, 2014. Members will have the option to use an enrolled agency provider of CDAC to meet their personal care services needs or to use the consumer choice option (CCO) to self-direct services. Starting October 1, 2013, all annual service plans developed and authorized shall not include individual CDAC provider services. Members will be required to transition to use either an enrolled CDAC agency or CCO. All members using individual CDAC providers will be transitioned to use an agency CDAC provider or CCO by July 1, 2014.

The proposed amendments will increase the unit reimbursement rate for CDAC service from the individual CDAC rate to the agency CDAC rate. The individual CDAC service will be eliminated in July 2014. Current individual CDAC providers could be hired by a CDAC agency to provide services to members or could become direct employees through the CCO program. Individual employees hired through an agency or CCO will benefit by having state, federal and employment-related taxes managed by an agency or the CCO financial management services provider. Workers’ compensation insurance will be paid by the agency or the state of Iowa for those using CCO. Providers’ having workers’ compensation insurance will decrease the risk to the member using personal care services, as currently individual CDAC providers are responsible for purchasing workers’ compensation insurance. When using CCO, members will have the ability to manage an individual budget and may be able to purchase more services than they currently receive. They may also purchase optional service components not available through a waiver program to meet their service needs. With either agency-provided services or the use of CCO, members may be able to attract a higher quality staff through offering better pay and benefits to their employee(s).

Any interested person may make written comments on the proposed amendments on or before August 13, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may also be sent by facsimile to (515)281-4980 or by e-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments do not provide for waiver in specified situations because requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Adopt the following **new** paragraph **77.30(7)“i”**:

*i.* Notwithstanding paragraph 77.30(7)“a,” individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.30(7)“a” under new service plans or annually renewed service plans approved on or after October 1, 2013. Effective July 1, 2014, individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.30(7)“a” under service plans approved prior to October 1, 2013.

ITEM 2. Adopt the following **new** paragraph **77.33(15)“i”**:

*i.* Notwithstanding paragraph 77.33(15)“a,” individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.33(15)“a” under new service plans or annually renewed service plans approved on or after October 1, 2013. Effective July 1, 2014, individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.33(15)“a” under service plans approved prior to October 1, 2013.

ITEM 3. Adopt the following **new** paragraph **77.34(8)“i”**:

*i.* Notwithstanding paragraph 77.34(8)“a,” individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.34(8)“a” under new service plans or annually renewed service plans approved on or after October 1, 2013. Effective July 1, 2014, individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.34(8)“a” under service plans approved prior to October 1, 2013.

ITEM 4. Adopt the following **new** paragraph **77.37(21)“i”**:

*i.* Notwithstanding paragraph 77.37(21)“a,” individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.37(21)“a” under new service plans or annually renewed service plans approved on or after October 1, 2013. Effective July 1, 2014, individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.37(21)“a” under service plans approved prior to October 1, 2013.

ITEM 5. Adopt the following **new** paragraph **77.39(24)“i”**:

*i.* Notwithstanding paragraph 77.39(24)“a,” individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.39(24)“a” under new service plans or annually renewed service plans approved on or after October 1, 2013. Effective July 1, 2014, individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.39(24)“a” under service plans approved prior to October 1, 2013.

ITEM 6. Adopt the following **new** paragraph **77.41(2)“i”**:

*i.* Notwithstanding paragraph 77.41(2)“a,” individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.41(2)“a” under new service plans or annually renewed service plans approved on or after October 1, 2013. Effective July 1, 2014, individuals may not provide consumer-directed attendant care services pursuant to paragraph 77.41(2)“a” under service plans approved prior to October 1, 2013.